

**State of Washington
FY 2002**

**ANNUAL SYNAR REPORT
42 U.S.C. 300x-26
OMB N^o: 0930-0222**

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Submitted December 31, 2001

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Executive Summary

The Annual Synar Report provides the means for States to comply with the reporting provisions of the Public Health Service Act (42 U.S.C. 300x-26) and the Tobacco Regulation for the SAPT Block Grant (45 CFR Part 96). As a requirement of the SAPT Block Grant, which will bring \$35,000,000 to the State of Washington in 2002 for addiction related services, the Synar Report is a critical document relating to youth prevention efforts.

In accordance with the tobacco regulations, the States are required to provide detailed information on progress made in enforcing youth tobacco access laws and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates. These data are required by 42 U.S.C. 300x-26 and will be used by the Secretary to evaluate State compliance with the statute. Part of the mission of the Center for Substance Abuse Prevention (CSAP) is to assist States by supporting Synar activities and providing technical assistance helpful in determining the type of enforcement measures and control strategies that are most effective. This information is helpful to CSAP in improving technical assistance resources and expertise on enforcement efforts and tobacco control program support activities, including State Synar Program support services through an enhanced technical assistance program involving conferences and workshops, development of training materials and guidance documents, and on-site technical assistance consultation.

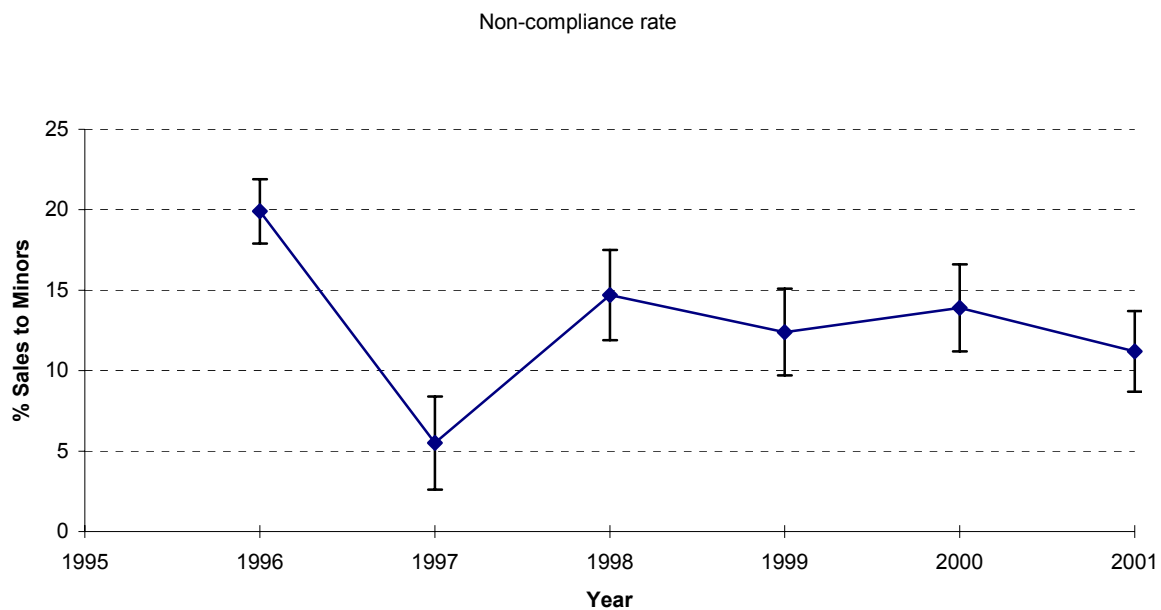
A successful program to help control youth access to tobacco products already exists in Washington. In 1993, the Legislature passed the Minors' Access to Tobacco Act to help keep tobacco out of the hands of children. Nationwide, most states have passed similar laws as a result of the 1992 federal Synar Amendment, requiring states to keep the youth tobacco sales rate at or below 20 percent. Washington was one of only four states to reach the national goal of the Synar Amendment in the first year of implementation (1996).

Most smokers start before age 18. According to the Surgeon General, if adolescents can be kept tobacco-free through their 18th birthday, most will never start the habit. Tough, well-enforced youth tobacco access laws help accomplish that.

The youth access component builds on current efforts to educate retailers and enforce laws. Right now, state and federal laws requires local public health officials and the state Liquor Control Board to conduct retailer compliance checks. Studies suggest that active enforcement of laws prohibiting tobacco sales to youth is an effective deterrent. However, young people may turn to social sources, such as older friends and family members, in order to obtain tobacco products when commercial sources dry up.

In 2001, only 11 percent of retailers sold tobacco products to underage volunteers working with public health officials and enforcement officers of the Liquor Control Board. This "Synar" rate is consistent with previous findings and confirms the State of Washington's compliance with the

Public Health Service Act (42 U.S.C. 300x-26) and the Tobacco Regulation for the SAPT Block Grant (45 CFR Part 96). The following chart tracks the “Synar” rate since 1996:



Restrictions on youth access to tobacco must be combined with the other components of Washington’s comprehensive tobacco plan. If we rigorously apply this part of the program in tandem with other tobacco prevention and control components, we will limit the appeal of tobacco products, and reduce their availability to youth.

SECTION I

FFY 2001 (Compliance Progress):

42 U.S.C. 300x-26 of the Public Health Service Act requires certain information regarding the sale/distribution of tobacco products to individuals under age 18.

1. Describe any changes or additions to the State tobacco statute relating to 42 U.S.C. 300x-26 since the last application. Attach a photocopy of the changes and describe the impact they will have on enforcement of State tobacco law(s).

No changes or additions to the State tobacco statutes relating to 42 U.S.C. 300x-26 have been implemented since the last application.

2. Describe how the annual report required under 45 C.F.R. 96.130(e) was made public within the State, along with the State Plan as provided in 42 U.S.C. 300x-51.

The SAPT Block Grant application was made public as reported in the 2002 application and as required by 42 U.S.C. 300x-51. The formal Synar report will be made available to those who request it. The availability of the report will be announced in the Division of Alcohol and Substance Abuse (DASA) monthly newsletter and on the DASA Web site, <http://www-app2.wa.gov/dshs/dasa/index.htm>

As in past years, the Department of Health (DOH) issued a statewide press release to publicize results of the 2001 Synar checks. This year, DOH framed the news release as a response to media coverage of national implementation of Synar compliance programs in November 2001. A section on youth access to tobacco including Synar compliance checks will be included in a comprehensive program report that will be produced in the early part of 2002 for the state legislature.

DOH is currently in the process of creating a chart for each of Washington's 39 counties describing results from compliance checks conducted between 1997 and 2001 in comparison to statewide results. These charts will be on their Web site, <http://www.doh.wa.gov/tobacco/>.

The Liquor Control Board (LCB) also has a Web site where compliance information is made public on a monthly basis. (http://www.liq.wa.gov/enforcement/com_checks.asp) Monthly new releases, targeted at specific communities where retailers are found not to be in compliance, are available at http://www.liq.wa.gov/releases/press_release.asp.

3. Identify the agency or agencies designated by the Governor for the implementation of the requirements. Identify the State agency responsible for conducting random, unannounced inspections. Identify the State and/or local agency or agencies that are responsible for enforcing the tobacco access law(s) (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).

LEAD SYNAR AGENCY – Within the Department of Social and Health Services, DASA is designated the lead Synar agency responsible for applying for, and implementing the SAPT Block Grant.

SYNAR INSPECTIONS - The DOH, within the context of a statewide comprehensive tobacco prevention and control program is responsible for implementing programs aimed at reducing access to tobacco products by minors. This includes executing the Synar inspection protocols. Specific to youth access issues, the DOH and local health departments conduct community-based youth-focused prevention education campaigns. They also conduct programs aimed at educating retailers regarding the law relating to tobacco sales. Local health department staff conducts unannounced inspections of tobacco retail outlets for Synar checks (where specific retailers are identified by DOH as part of a random sample) and supplemental checks.

State: Washington (FFY 2002)

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All inspections employ the same compliance check protocol described in this report. The DOH compliance checks are coordinated with LCB enforcement officers resulting in immediate citation to vendors who make illegal sales. Those random, unannounced inspections are used to determine the rate of illegal sales to minors, in compliance with 45 CFR 96.130(d).

ENFORCEMENT AGENCY - LCB has primary authority to enforce the laws and rules governing licensed tobacco retailers. LCB enforcement officers police retailer compliance with all aspects of the law, and issue citations to violators. They also investigate complaints regarding illegal sales and distribution of tobacco products to minors. Citations carry fines and may require participation in vendor education. Repeat violations may result in loss of license or other similar punitive sanctions.

4. Describe briefly the coordination and collaboration that occurs between your State's Tobacco and Health Office (Association of State and Territorial Health Officials) and Single State Authority for Substance Abuse (NASADAD). Discuss how State efforts to reduce youth access to tobacco relate to other tobacco control and prevention initiatives in your State.

DOH and DASA meet routinely to coordinate youth prevention activities including tobacco prevention related activities such as Synar compliance checks. Sharing of data and data models and strategizing planning efforts for communities across the state are critical to Washington's continued successful compliance with Synar requirements.

Additionally, a statewide Youth Access Task Force meets quarterly to review experiences and strategize solutions to problems. The task force membership includes DASA, DOH, LCB, the public health department for Seattle/King County, other local health departments, law enforcement, and tobacco retailers.

5. In 2-3 pages, list and describe all the State's activities to enforce the State youth access to tobacco law(s) in FFY 2001. Such activities may include statewide and/or targeted enforcement activities.

The LCB reports that between 10/1/2000 and 9/30/2001 it conducted 2,345 statewide compliance checks with licensed tobacco retailers. Of those, 236 retailers sold tobacco products to youth operatives. This results in a compliance rate of 90 percent. Retailers and their staff who sold tobacco products to minors were issued citations in accordance with state law.

Additionally, during the first six months of 2001, public health department from Seattle/King County, under contract with DASA, conducted 239 compliance checks with licensed tobacco retailers in 15 targeted (high-risk) Washington counties where local health staff did not have the capacity to conduct aggressive compliance check programs. Of those, 33 sold tobacco products to youth operatives. The compliance rate was 86.2 percent. All retailers who sold tobacco products were referred to LCB, who then issued citations in accordance with state law.

Typically, LCB officers accompany local staff conducting Synar or additional compliance checks. Citations are issued at the time or a referral of the violations is made to LCB for possible citation.

- If enforcement of youth access laws is carried out by local law enforcement agencies, provide a detailed summary of local enforcement activities to verify the enforcement is taking place.

Local law enforcement also has discretionary jurisdiction to enforce youth access laws. Many communities conduct regular operations aimed at identifying retail vendors that illegally sell tobacco and/or alcohol products to under-age persons. Local law enforcement contributes significantly to the effort to curb youth access to tobacco. Data are not available to describe the level of local enforcement activity, the number of interventions, or intervention outcomes.

- Include an estimate of the number and types of penalties that were imposed for violation of access laws and policies, and whether these penalties were assessed against owners, clerks, or youth. Examples of penalties include citations, warning letters, public listing of violators, etc.

As reported above, in FFY2001, LCB cited 236 violations. Tracking of penalties for FFY2001 is delayed and difficult to match to the 2,345 compliance checks. However, over a twelve-month period beginning in October 2000, 92% of violators received administrative violation notices (tickets) with the remainder receiving written warnings.

DOH is currently evaluating systems to begin making this information available for local communities.

State law requires a citation be issued to both the clerk who sold tobacco product to a youth operative, as well as to the individual store. State law stipulates that a first time offense for a clerk yields a \$50 fine. The first offense to the store is \$100. The fine, however, can be mitigated if the store implements a merchant education program for its clerks.

Penalties increase in severity as repeat offenses occur. There is no mitigation possible for the stores with repeat offenses.

- Provide a summary of the final disposition of citations. Example(s) of final disposition include fines that were assessed and collected, licenses that were suspended or revoked, dismissals, etc.

In most, if not all, cases where there was a sale made to a youth operative, a citation was issued. Citations are administrative in nature, not criminal. So this can mean the mitigation hearing or contest of citations may not be scheduled for up to 18 months with an administrative law judge. These delays in contested cases are one barrier to tracking dispositions of citations throughout the system.

LCB reports that fewer than 10 percent of citations are contested. So, the overwhelming majority of citations result in payment of fine within 30 days.

- Describe additional activities conducted to support enforcement and compliance with State tobacco access law(s). Additional activities may include merchant education, community education, media use, and community mobilization by statewide and/or local community-based coalitions and/or other State agencies.

The LCB conducts regular merchant education classes for new retailers, as well as retailers who are required to attend as part of their mitigation of a citation. LCB also participates in the “Cops in Shops” program where LCB agents work as clerks in stores and enforce state tobacco laws from that venue.

Many local health departments and law enforcement agencies also participate in tobacco control activities. Local health departments aggressively contact tobacco retailers about complying with state law. They also may contact local media regarding disposition of local tobacco compliance checks. As part of the contract between DASA and Public Health Seattle King County, over 50 releases to local media were distributed which described the results of the compliance checks in specific communities.

Some law enforcement agencies have also begun observational enforcement outside retailers rumored to be suppliers of tobacco products to minors. Local and state staff are investigating methods for measuring and reducing social sources of tobacco for youth, including “shoulder-tap” enforcement by youth operatives who approach adults outside stores and ask them to purchase tobacco products.

The following question pertains to the sampling methodology used by the State to meet the requirements of the Synar Regulation to measure State compliance with youth access to tobacco law.

6. In 2-3 pages, describe the sampling methodology used by the State to conduct random, unannounced inspections. Include in the description the following information:

DOH staff use the software package Stata 6.0 to analyze complex datasets, including the Synar compliance check dataset. The description below applies to data treatment by Stata for the commands “svy:mean, ci” where data have already had weights applied using “svyset pweight weight,” and ‘weight’ was entered based on sampling probability as described below.

In December 2000, DOH staff obtained the list of retailers currently licensed by the Washington State Department of Licensing to sell tobacco. The list was first ‘cleaned’ by removing duplicate entries. Then DOH removed vending machine licenses from the dataset because vending machines can only be located in “adult-only” establishments (1993 Youth Access to Tobacco legislation). The sample was split into “King County” and “non-King County” (the remaining 38 Washington county) retailers.

King County is Washington’s largest county, with nearly 1/3 of the state’s population. King County also has a very aggressive and successful youth access program, which distinguishes it from other counties in Washington. Since King County is so large, and the non-compliance rate is lower and more stable, we do not sample the same proportion of stores there as in other counties. Therefore, DOH increases the sample beyond the minimum required by Synar to obtain county-specific estimates.

December 2000 file Summary -- Tobacco Retailers in Washington

- 2464 retailers in King County stratum
- 5822 retailers in non-King County stratum
- 8286 retailers in state

Weighting

Standard Estimate

The unweighted proportion of sales is calculated with:

$\theta = Y/X$ where:

θ = the proportion of retailers selling to minors (‘sale rate’)

Y = the number who sell to minors

X = the total number attempted as part of the sample

Weighted Estimate

Two kinds of weights are applied to the individual observations.

Sampling weights: for example, if 200 checks were conducted in King County and there are 2,000 retailers, then each check represents $(2,000/200) = 10$ retailers; at the same time 400 checks might be conducted in non-King counties, where there are 3,000 retailers, so each check represents $(3,000/400) = 7.5$ retailers. Because we “over sampled” outside King County, in the final calculations the “over sampled” area observations have less weight (or, equivalently, the King County area observations have more weight). Therefore, the final reported percent of sales is ‘adjusted’ so that it is the same as if we had drawn an equal sample across the whole state instead of drawing differing probability samples for the King and non-King regions.

Participation weights: This year, DOH also adjusted for participation by giving an adjusted weight to the non-King region, where more observations were not completed. The methodology is the same – the sampled retailers in the non-King region were weighted a bit higher because the completed sample was (example, not actual.) 360/3,000 instead of 400/3,000 while King County completed 198/2,000.

The final weight (“weight”) is a product of the two weights (sampling and participation weights).

The weighted proportion of sales is calculated with the final weight:

$$\theta^{\wedge} = Y^{\wedge} / X^{\wedge} = \sum_{\text{stratum}} \sum_{\text{obs}} (\text{weight})(\text{sales}) / \sum_{\text{stratum}} \sum_{\text{obs}} (\text{weight})(\text{attempts})$$

Variance

Next, the (weighted) variance of the proportion of sales is calculated using a robust (aka Huber and White, or sandwich) variance estimation formula. The standard binomial estimation of variance is:

$$V(\theta) = npq$$

n = sample number

p = probability of sale in overall sample

q = probability of non-sale in overall sample

The weighted variance assumes correlation within the sampling strata:

$$V^{\wedge}(\theta^{\wedge}) = V(\theta) \{ (\sum_{\text{stratum}} npq) V(\theta) \}$$

Confidence Interval

The (weighted) confidence interval for the proportion estimate is:

$$\theta^{\wedge} \pm 1.96 [V^{\wedge}(\theta^{\wedge})]^{1/2}$$

1.96 = standard test statistic for a 95% confidence interval

Standard error calculation

The standard error is equivalent to the square root of the weighted variance divided by the square root of the sample size.

Sample Size

For the binary response (sale/no sale), we wish to obtain 95 percent confidence intervals that are no more than +/- 3 percent wide in the statewide sample.

The sample size is determined using Epi Info 6.0 statcalc functions.

First, the sample size, S, for the population is calculated as:

$$S = Z^2 P(1-P) / (D^2)$$

D = 3% (required as confidence interval boundary by CSAP)

Z = 1.96 (standard statistical value for 95 percent confidence interval)

P = estimated likelihood of sale (we use the Synar non-compliance rate for the previous year).

The sample is increased by 30 percent because approximately 30 percent of retailers are adult-only establishments, unavailable for Synar checks. The sample is increased by another 10 percent to allow for non-participation. Then the sample is increased by 10% to allow for the design effect of stratified sampling.

Using the required Synar assumptions (95% CI, +/-3% estimate, 14% non-compliance rate), a minimum sample size is identified:

Minimum sample = 484

To allow for the approximately 30 percent of our sampled retailers that will be “adult-only” venues, not eligible as part of the Synar check system, DOH conservatively increased the sample size by 30 percent:

Increase minimum sample of 484 by 30 percent for “adult-only” => 629

To allow for the loss of retailers due to site closures, difficulties in locating the site, etc., DOH conservatively increased the sample size by 10 percent:

Increase minimum sample of 629 by 10 percent for non-participation => 692

To allow for the maximum design effect of up to 1.1 that may result from the stratified sampling plan:

Increase minimum sample of 692 by 10 percent for design effect => 761

Additionally, we added 100 retailers to the statewide minimum sample to increase the power of King County and non-King County estimates:

Increase the minimum sample of 761 by 100 => 861

To obtain a sample of 861 retailers, a 9% sample was drawn from the King County stratum, and an 11 percent sample drawn from the other stratum. The total sample of 861 retailers was randomly drawn from the 8,286 eligible retailers in the state. This total number of retailers is fewer than the 8,378 retailers in the eligible dataset used for the 2000 sample.

In summary, the final sample size was adjusted to account for all possible complicating factors, and it exceeds the minimum required for Synar protocol standards.

Standard labels for the sample retailers were affixed to standard compliance check reporting forms (triplicate format) and mailed to local tobacco program staff, which completes the actual checks in the field. Local staff was asked to complete the checks between mid-February and July 15, 2001. Staff was contacted if they had not completed their checks by early July. Overall, completion of checks was improved from the previous year.

Replacement was not allowed.

- Sampling design and methodology

Retailers are identified using a simple, two-stage, random sample design. Within each stratum, a random number was generated for each retailer, and sorting/selecting among retailers was done using the random number tables.

- Did the sampling methodology change from the previous year? If so, indicate the following.

There were no changes in the State's sampling methodology for the Compliance Progress FFY 2001.

- what changes were made

NA

- why the changes were necessary

NA

- when the changes occurred

NA

Describe the source(s) and quality of the sampling frame.

- the date when the sampling frame was last updated

The sampling frame (the list of Washington tobacco retailers) was updated in December 2000, the latest date possible before identification of a sample in January 2001.

- the procedures used to insure that the addresses of tobacco outlets on the sampling frame are accurate,

As with any dataset, there are some errors in the addresses of the outlets (street name, number, zip code). Local staff members are generally familiar with their community areas, and are able to find a retailer in spite of errors. If confusion exists about which of several potential retailers are intended for inspection, the check is left incomplete (this is very rare).

- the criteria used to determine accessibility of outlets to youths,

An outlet was considered inaccessible to youth if a person must be 18 or older to gain entry. This includes bars/lounges, smoke shops, and membership clubs. Although these venues were not included for the Synar compliance check data, local health staff were encouraged to make an attempt to enter the venue, and attempt to buy tobacco if possible. These attempts are not included in the Synar analysis as they reflect a two-stage probability event (entry + sale). Using these attempts would likely bias the results to be lower (fewer sales). Youth generally are not able to enter these establishments.

- the methods used to verify that outlets identified on the sampling frame actually do sell tobacco,

A small proportion of retailers who are licensed to sell tobacco may choose to discontinue the product. Less than one percent of the retailers identified as part of the statewide random sample have historically discontinued sales of tobacco at the time of checks. Because tobacco sales licenses are annually renewed, and retailers who do not renew their licenses are removed from the dataset, and due to the random nature of the sampling process, DOH does not anticipate that this has biased the sample in the past or will in the future.

- the methods used to locate tobacco outlets that were not on the sampling frame,

The DOH obtains a list of current retailers from DOL. DOL manages the licenses required for sale of tobacco products in Washington (including by distributors and manufacturers). Officers of the LCB conduct frequent site inspections of all Washington retailers selling tobacco and alcohol to ensure that proper licenses are obtained and maintained. They also investigate claims or suspicion of unlicensed sales of tobacco. DOH estimates that due to the high profile of tobacco issues, and licensing related to tobacco sales, throughout the state, that only a very few unlicensed retailers are in operation at any time.

- the accuracy of the frame: the percentage of the sampling frame that included outlets that actually sell tobacco and had accurate addresses,

The DOL list exists in a mainframe application, which is converted to PC format for data management at DOH. There are some unique and challenging characteristics of the list, including an approximately five percent duplication rate in entries. Duplicates are removed conservatively, to prevent any establishment's sampling probability from becoming zero. Although this may result in some establishments having a greater sampling probability (if a true duplicate remains), this should not affect the validity of the state sample, provided that there is nothing unique about these retailers that is also associated with likelihood of sale to minors.

The random sample is drawn from the December list, and field checks are conducted in February through July. Some additions and deletions from that list occur during the time between sampling and completion, and may affect the accuracy of the random sample. These changes are normal year to year, and should not affect the validity of the checks differentially over time or in any meaningful way.

- the coverage of the frame: the percentage of all tobacco outlets in the State that were actually included on the sampling frame.

As described, DOH believes that the DOL list includes virtually all retailers selling tobacco in Washington, and uses conservative data cleaning processes to ensure that the sampling frame includes all licensed retailers. In addition, any retailers that are excluded in the field due to address/data entry errors should be random.

The retailer list used to draw the annual Synar compliance check sample is generated in December of the preceding year (e.g. December 1999 for the 2000 check sample).

Possible insufficiencies in the retailer list are as follows:

1. Unlicensed retailers - If a retailer does not maintain a tobacco sales license, then that retailer would not be included in the DOL database. In early years of implementing the tobacco sales license, finding an unlicensed retailer was common. Since the mid-90s, LCB agents have regularly conducted site visits to inspect for sales and licenses of tobacco and alcohol retailers, including investigating reports of unlicensed retailers. In the past three years, finding an unlicensed tobacco retailer has been a very rare occurrence. We estimate that there are fewer than 200 unlicensed retailers currently operating in the state, based on the rarity of identified unlicensed retailers.
2. Newly licensed retailers - Each month, some newly license tobacco retailers are entered into the DOL dataset. As we use the December dataset, and checks are expected to be complete by the end of June in the following year, there are approximately six months of time where

newly licensed retailers would be operating, but not included in the dataset for sampling. At the end of June, this would result in two percent retailers not covered by the sampling list.

- 3. Newly unlicensed retailers - Similarly, each month some retailers become unlicensed to sell tobacco products (they cease to sell tobacco, or close). By the end of June, this results in two percent of the originally sampled retailers who were included in the sampling frame, but are not available for checks. This is not seen to be a significant problem in list coverage for validity of the Synar sample.**

The two main sources of error in list coverage for the Synar sample are unlicensed and newly licensed retailers. It seems likely that there may be an association between likelihood of sale to a minor and being an unlicensed retailer (because these retailers are unregulated, perhaps uninformed of Washington laws regarding tobacco or non-compliance with Washington law). It is possible that there may be some relationship between newly licensed retailers and sales to minors, but this is speculation (one might argue that a newly licensed retailer would be more or less compliant with the law than an established retailer).

In total, we estimate that less than four percent of currently operating retailers (unlicensed and newly licensed) would be unrepresented in the sampling frame by the end of the June compliance check period. The total coverage of the list at this time would be 96 percent. Because of the long duration (months) of the sample implementation, this does not mean that the coverage is 96 percent throughout the duration, but rather 98 percent at the beginning (unlicensed retailers only impacting) and 96 percent at the end (unlicensed and newly licensed retailers impacting).

The DOH does not see a means of correcting the coverage of the dataset adequately. It is necessary to draw the sample at the last possible minute, but also to allow sufficient time for processing of the sample and associated materials to local staff that conduct checks, as well as allowing for time to actually complete the checks. Year-to-year, the lack of coverage due to unlicensed retailers has been diminishing, and the lack of coverage due to newly licensed retailers is consistent.

In sum, we estimate that the coverage of the DOL tobacco-retailer-sales-license dataset is sufficient for estimating tobacco sales to minors as part of the Synar random compliance check program.

- Describe the random selection process.

Each retailer within each stratum is assigned a random number, and retailers are sorted by the random numbers. The first number of retailers to be sampled within each stratum is included in the sample. For example, if the sample size is to be “10”, then the first 10 retailers (the retailers with the highest randomly generated numbers assigned to them) are selected.

- the geographic unit used for sampling,

The two geographic strata for sampling are King County and non-King County (the 38 remaining Washington counties).

- the procedures used for the selection of sample of geographic sampling units,

Retailers are assigned to each stratum by their county code (within the retailer data file) and verification by zip code (as matching a King County or non-King County zip code).

- the method used for the selection of outlets from within each sample geographic sampling unit,

As described previously, a random sample is identified from within each stratum.

- the original sample size, minimum number of required inspections, and final sample size; and explain how they were determined,

The original sample size was 861. This was larger than the 484 minimum sample size necessary, to allow for various predicted affects on the sample size (adult-only venues, closed or venues no longer selling tobacco). The final completed sample size was 688 (eligible retailers). This is well above the minimum needed, and still allowed for some predictable non-completion.

- if applicable, explain the difference between the original sample size and the final sample size; and indicate whether the final sample is representative of the distribution of tobacco outlets in the State.

The original sample was drawn to account for non-completion as described. DOH staff believe that the sampling plan has been created and used to eliminate possible bias, and that results have been returned and adjusted to correct for bias as a result of differential implementation. DOH staff believes that the results are true and representative of the distribution of tobacco outlets in Washington State.

- Describe how replacement outlets and non-completed inspections were handled. Provide a complete tally of non-completed inspections that include:

Replacement is not allowed. Oversampling is used to ensure that the minimum sample size is achieved. Aggressive follow-up was conducted by DOH to minimize non-completion.

- the number of inspections that were not completed because the outlets were ineligible,

From among the original sample of 861 retailers, 17% (N=143) of retailers where sales were attempted were identified as ineligible by being “adult-only”. In some cases, youth were able to obtain entry, and conduct a compliance check, but these checks are not included in this report. An additional 3% (N=30) of sampled retailers were closed for business when attempted, or had stopped selling tobacco. The overall eligibility from the original sample of 861 was 80% (N=688).

- the number of eligible but non-completed inspections.

Fifty-three checks were not completed (96% completion rate from the 688 eligible retailers). These checks were not completed for one or more of the following reasons:

- 1. not open during the time of the check (for example, a few seasonal resorts, and “stands” for sporting or other events that were only periodically open);**
- 2. were geographically inaccessible (three of the checks would have required several hours of driving each to reach them);**
- 3. physically inaccessible (for example, a few outlets in hotels or special venues were closed for renovation at the time of the checks);**
- 4. youth operatives were uncomfortable entering the establishment; and**
- 5. the retailer was unidentifiable by the local agency (where it was not certain which of a number of retailers was the identified one based on retailer name/address, this check was left incomplete).**

There were no counties without checks attempted. (No systematic failures due to incomplete follow-up by DOH or local program staff occurred).

After aggressive follow-up by DOH staff, overall completion was significantly lower in the non-King County stratum than in the King County stratum (88% v. 98). Due to the comparative stability and ongoing focus of the King County staff and program, and the diverse and often extremely rural nature of the 38 county-communities in the non-King stratum, DOH anticipates that this will continue to be the case.

The following question pertains to the random sample survey required by the Synar Regulation to measure State compliance with youth access to tobacco laws.

7. In 3-5 pages, report the complete results of the inspections conducted for the Synar survey during the FFY 2001. Report the unweighted and weighted retailer violation rates, including the corresponding standard error, and the confidence interval for the weighted reported retailer violation rate. Provide all supporting tables, formulas, and values used to calculate the final weighted retailer violation rate.

The unweighted compliance rate for Washington was 11.4% (72 sales per 633 completed checks). The final weighted non-compliance rate for Washington State was 11.2% (weighted 95% confidence interval: 8.8-13.7; standard error 1.2). Final results were adjusted using probability weights (equal to the inverse probability of being sampled: 9.0 for non-King County; 11.00 for King County) and participation weights (equal to the inverse probability of participation: 1.02 for King County and 1.13 for non-King County). Analysis was completed using STATA v. 6.0.

Eligible Retailers and Sale Rates, by Stratum – Washington State Synar FFY2002

Stratum (Geographic Sampling Unit)	N Original (estimate of outlet popln in stratum)	n Original sample size	n1 Number of sample outlets found eligible	n2 Number of outlets inspected	X Number of outlets found in violation	p=x/n2 Unweighted noncompliance rate
King County	2,464	222	196 (88%)	193 (98%)	10	5.2%
Non-King County	5,822	639	492 (77%)	434 (88%)	62	14.3%
TOTAL	8,286	861	688 (80%)	633 (92%)	72	11.4%

As seen in past years, the success rate among older youth was generally higher than among younger youth. There were no consistent differences between males and females.

Non-compliance rate by age and gender – Washington State Synar FFY2002

	14 years		15 years		16 years		17 years	
	Attempted	Successful	Attempted	Successful	Attempted	Successful	Attempted	Successful
Male	32	1 (3%)	102	13 (13%)	113	18 (16%)	1	1 (100%)
Female	63	5 (8%)	165	10 (6%)	152	24 (16%)	5	0 (0%)
Total	95	6 (6%)	267	23 (9%)	265	42 (16%)	6	1 (17%)

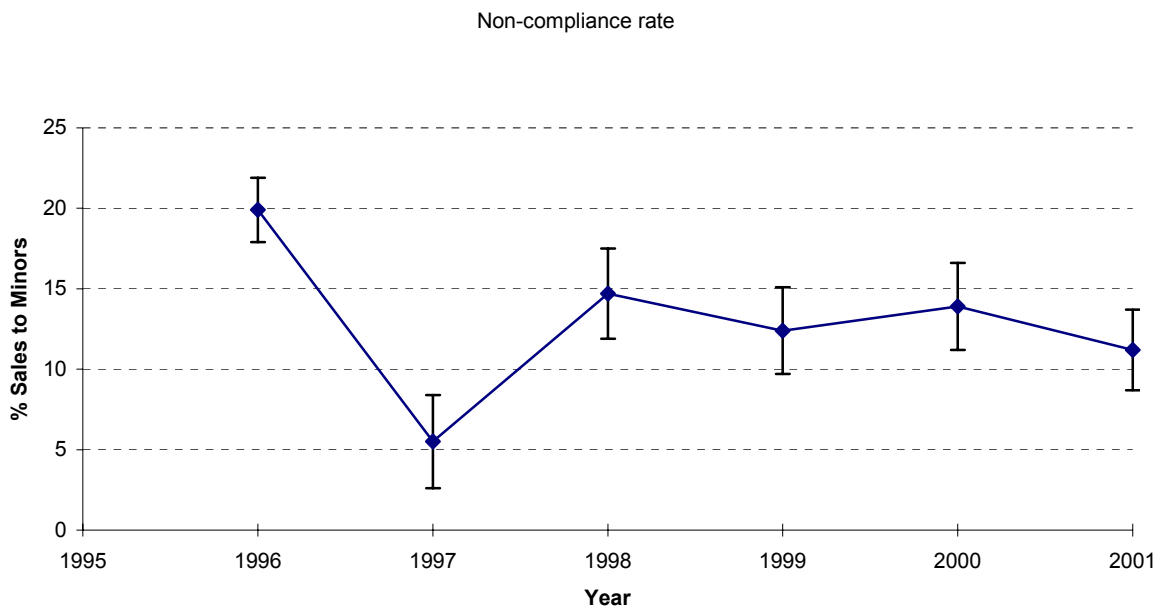
The overall non-compliance rate measured during Synar compliance check inspections in Washington State has steadily fallen during the past four years, and has consistently remained below the maximum allowable rate of 20 percent. If Washington communities begin to use older-

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aged youth (one nationally publicized criticism of the Synar check program is bias of results by use of youth operatives 15 and younger), then this rate might go up although retailer behavior is improved overall.

Synar Compliance Rate History – Washington State



As seen in past years, the sale rate for female clerks was greater than for male clerks (13.4% and 8.2%, respectively). Clerk age was not independently or jointly (with gender) associated with sales. Further investigation to explain this difference could inform clerk or retailer education programs. Where a sale of tobacco was completed, the cost for a pack of cigarettes varied between \$3.24 and \$5.75 per pack. The average cost was \$4.33 per pack.

Although most attempts to buy tobacco were made using cigarettes, a few (N=8) were made using single cigarettes, smokeless tobacco, bidis, cigars, and clove cigarettes). The sale rate for cigarettes alone was 11.1 percent, while the sale rate for smokeless tobacco was 50 percent (sale during one of two total attempts). No sales were made for other tobacco products.

Sale rates were not appreciably different among different types of stores, but small numbers prevent meaningful comparison. The rate of sales among pharmacy/drug stores, however, may indicate a need for targeted education. Further investigation should be done before drawing conclusions or redirecting program activities. The non-compliance rates for various types of stores are as follows (n=total number of checks made in that type of venue):

- 12.7% for convenience stores (N=138)
- 11.2% for convenience/gas stores (N=222)
- 0% for gas stations (N=5)
- 3.5% for restaurants (N=65)
- 14.0% for grocery stores (N=92)
- 21.9% for pharmacy/drug stores (N=28)
- 0% for department stores (N=10)
- 10.6% for tobacco discount stores (N=27) [Note: these should have been excluded as adult-only venues, if truly a tobacco discount store]
- 11.2% for “other” (N=43)

8. Describe the protocol for conducting random, unannounced inspections. Ensure the following specific items are addressed in your description.

Upon receipt of the random check forms from DOH, local contractors recruit youth, and prepare to complete the checks within the specified time period. During the actual checks, contractors are encouraged to collaborate with LCB or other law enforcement officials, so that citations may be immediately issued to any retailers that sell tobacco to minors. If not accompanied by law enforcement officials, youth should carry a letter of immunity from the local health officer on their person during the check, which identifies that the youth is participating in a health department activity and may not be prosecuted for attempted or actual possession of tobacco.

Youth recruited to help with checks should be 14-17 years old, trustworthy, and willing to ask for tobacco products. Youth are told to enter the store and either pick up (when self-serve) or ask for a specific brand of tobacco (usually, but not always, cigarettes). Youth are told to present valid ID when asked (Driver's License or state ID card), if they have it. Youth are told to leave immediately and return to the waiting adult if the clerk either sells tobacco or refuses to sell. Youth are not to argue or “negotiate” with clerks. Youth fill out the compliance check forms immediately following the purchase or attempt.

- Have any changes been made in the inspection protocol from the previous year?

The methodology described was not changed, however DOH clarified as part of the protocol that youth are not allowed to lie about their true age if asked. Previously, some local contractors may have allowed some youth to pretend to be 18 or older if asked.

- Indicate the start and end dates of the Synar inspections conducted during the current reporting period and whether the dates are different from previous years.

Checks were completed between early February 2001 (forms were mailed from DOH to local health departments in late January 2001) and July 30, 2001. This is not different from previous years. Washington has consistently conducted Synar checks during the first seven months of the calendar year.

- Describe the methods used to recruit, select, and train youth inspectors and adult supervisors.

Methods for recruitment and selection of youth and adult volunteers vary by local community. DOH frequently suggests recruitment strategies, including use of established youth organizations, upon request.

Staff from Public Health—Seattle & King County, who has operated a long-term successful retailer-monitoring program, was contracted by DOH to provide personal technical assistance to new field staff and accompany these staff on their checks, if requested, for FFY 2001.

- Describe the inspection methodology used. (e.g., consummated or unconsummated buys, instructions for carrying and showing identification, team composition and whether an adult monitor enters the outlet with the youth inspector, time of day inspections are conducted, compensation for the minors, data collection procedures, etc).

During the check, youth are instructed to carry a valid Washington State identification card or driver's license. The youth may show these if the clerk requests ID.

An adult is always in the immediate vicinity during a check. If the venue is small, such that an adult's entry might compromise the attempt, then the adult remains just outside the view of the clerk, but available to the youth if any safety issue should arise.

Checks are conducted during all times of day or evening. Checks have not typically conducted late at night or overnight, although there is no prohibition to doing so.

Minors are volunteers, and are not compensated for their time or for "getting sales." Minors are often provided with refreshments or meals during a series of checks, and adults may track volunteer hours contributed by the minor for school or community programs that require youth to have volunteer commitments.

After any attempt, the youth returns to the agent or accompanying adult immediately. If a sale has been made, the youth gives the tobacco to the adult right away. During this time, the minor completes the official Washington State Compliance Check form, with assistance from the adult if needed.

- Besides what is specified in the State youth access law, explain whether the State has other legal or procedural requirements regarding how inspections are to be conducted (i.e., age of minor, time of inspections, training that must occur)?

There are no additional state procedures governing the inspection protocol.

- Describe specific legal or procedural requirements the State has instituted to address the issue of minors' immunity when conducting inspections.

Youth operatives must either be accompanied by a LCB agent, or carry a letter of immunity from the local health department's Health Officer (authorized to grant immunity by state law).

- Describe specific legal or procedural requirements the State has instituted to address the issue of child safety.

Youth and local health staff are instructed not to enter any establishment where the youth feels uncomfortable. LCB, health staff, or adult volunteers are in the immediate vicinity during any compliance check operation. The safety of the youth operative always takes priority over protocol or completion of the inspection.

SECTION II

FFY 2002 (Intended Use):

In 2-5 pages, describe the State's plans to achieve the interim target rate for FFY 2002 (Part 96.130 (e) (4)). Ensure the following specific items are addressed in your description of activities and/or changes that are planned.

- Sampling methodology

No changes are planned in the sampling methodology that has been reviewed and approved by CSAP.

The Synar sample will be drawn in early January 2002, by the State Department of Revenue and then will be communicated to local health departments by the State Department of Health. The local health departments will have until the end of June 2002, to complete the checks and return official compliance check forms to DOH. DOH will then communicate the results to DASA for inclusion in the FFY 2003 Synar report.

Retailer Dataset

In January 2001, DOH staff will obtain the list of retailers currently licensed by DOL to sell tobacco products. The list will be 'cleaned' removing duplicate entries. DOH will also remove vending machine licenses from the dataset, as vending machines can only be located in "adult-only" establishments (1993 Youth Access to Tobacco legislation). The sample will be split into "King County" and "non-King County" (the remaining 38 Washington county) retailers.

King County is Washington's largest county, with nearly 1/3 of the state's population. King County also has a very aggressive and successful youth access program, which distinguishes it from other counties in Washington. Because King County is so large, and the non-compliance rate is lower and more stable, we do not need to sample the same proportion of stores there as in other counties as we increase the sample beyond the minimum required by Synar to obtain county-specific estimates.

Weighting

With this sampling plan, the weight for each individual retailer is the inverse of its sampling probability within the stratum, balancing the effect of "undersampling" from King County (or "oversampling" from outside King County). Additionally, participation weights are applied at the completion of the sampling period, because non-King County areas have a slightly higher non-completion rate than King County.

Sample Size

For the binary response (sale/no sale), we wish to obtain 95 percent confidence intervals that are no more than +/- 3 percent wide in the statewide sample.

We will use EpiInfo v 6.0 to calculate the minimum number of compliance checks that must be done to meet the Synar standard, with the following assumptions: 95% CI, +/-3% estimate, 14% non-compliance rate.

DOH will oversample to allow for:

1. 30 percent of the sampled retailers to be “adult-only” venues, not eligible as part of the Synar check system
2. 10 percent loss of retailers due to site closures, difficulties in locating the site, etc
3. maximum design effect of up to 1.1 that may result from the stratified sampling plan.

DOH will add at least 100 retailers to the statewide minimum sample to increase the power of King County and non-King County estimates.

In summary, the final sample size will be adjusted to account for all possible complicating factors, and it exceeds the minimum required for Synar protocol standards.

Standard labels for the sample retailers were affixed to standard compliance check reporting forms (triplicate format) and mailed to local tobacco program staff, which completes the actual checks in the field. Local staff will be asked to complete the checks between mid-February and July 15, 2002. Staff will be contacted if they had not completed their checks by early July.

Replacement will not be allowed.

- Sampling design and methodology

Retailers are identified using a simple, two-stage, random sample design. Within each stratum, a random number associated with each retailer is generated, and sorting/selecting retailers according to the random number.

Description of the source(s) and quality of the sampling frame.

- the date when the sampling frame is last updated

The sampling frame (the list of Washington tobacco retailers) is updated in December each year, the latest date possible before identification of a sample in January.

- the procedures to be used to insure that the addresses of tobacco outlets on the sampling frame are accurate,

As with any dataset, there are some errors in the addresses of the outlets (street name, number, zip code). Local staff members are generally familiar with their community areas, and are able to find a retailer. If confusion exists about which of several potential retailers are intended for inspection, the check is left incomplete (this is rare).

- the criteria to be used to determine accessibility of outlets to youths,

An outlet is considered inaccessible to youth if a person must be 18 or older to gain entry. This includes bars/lounges, smoke shops, and membership clubs. Although these venues are not included for the Synar compliance check data, local health staff are encouraged to make an attempt to enter the venue, and attempt to buy tobacco if possible. These attempts are not included in the Synar analysis, because they reflect a two-stage probability event (entry + sale). There use would likely bias our results to be lower (fewer sales). Youth are generally not able to enter these establishments.

- the methods to be used to verify that outlets identified on the sampling frame actually do sell tobacco,

A small proportion of retailers who are licensed to sell tobacco may choose to discontinue the product. Less than one percent of the retailers identified as part of the statewide random sample have historically discontinued sales of tobacco at the time of checks. Because tobacco sales licenses are annually renewed, and retailers who do not renew their licenses are removed from the dataset, and due to the random nature of the sampling process, DOH does not anticipate that this has biased the sample in the past or will in the future.

- the methods to be used to locate tobacco outlets that were not on the sampling frame,

The DOH obtains a list of current retailers from DOL. DOL manages the licenses required for sale of tobacco products in Washington (including by distributors and manufacturers). Officers of the LCB conduct frequent site inspections of all Washington retailers selling tobacco and alcohol to ensure that proper licenses are obtained and maintained. They also investigate claims or suspicion of unlicensed sales of tobacco. DOH estimates that due to the high profile of tobacco issues, and licensing related to tobacco sales, throughout the state, that only a very few unlicensed retailers are in operation at any time.

- the accuracy of the frame: the percentage of the sampling frame that included outlets that actually sell tobacco and had accurate addresses,

The DOL list exists in a mainframe application, which is converted to PC format for data management at DOH. There are some unique and challenging characteristics of the list, including an approximately 5% duplication rate in entries. Duplicates will be removed conservatively, to prevent any establishment's sampling probability from becoming zero. Although this may result in some establishments having a greater sampling probability (if a true duplicate remains), this should not affect the validity of the state sample, provided that there is nothing unique about these retailers that is also associated with likelihood of sale to minors.

The random sample will be drawn from the December list available in early January 2002, and field checks are conducted in February through July. Some additions and deletions from that list occur during the time between sampling and completion, and may affect the accuracy of the random sample. These changes are normal year to year, and should not affect the validity of the checks differentially over time or in any meaningful way.

- the coverage of the frame: the percentage of all tobacco outlets in the State that will be actually included in the sampling frame.

As described, DOH believes that the DOL list includes virtually all retailers selling tobacco in Washington, and uses conservative data cleaning processes to ensure that the sampling frame includes all licensed retailers. In addition, any retailers that are excluded in the field due to address/data entry errors should be random.

- Description of the random selection process.

Each retailer within each stratum is assigned a random number, and retailers are sorted by the random numbers. The first number of retailers to be sampled within each stratum is included in the sample. For example, if the sample size is to be “10”, then the first 10 retailers (the retailers with the highest randomly generated numbers assigned to them) are selected.

- the geographic unit to be used for sampling,

The two geographic strata for sampling are King County and non-King County (the 38 remaining Washington counties).

- the procedures to be used for the selection of sample of geographic sampling units,

Retailers are assigned to each stratum by their county code (within the retailer data file) and verification by zip code (as matching a King County or non-King County zip code).

- the method to be used for the selection of outlets from within each sample geographic sampling unit,

As described previously, a random sample will be identified from within each stratum.

- the original sample size, minimum number of required inspections, and final sample size; and explain how they will be determined,

The original sample will be structured as approved by SAMHSA and will be larger than the minimum sample size statistically necessary, to allow for various retailer attributes (adult-only venues, closed or venues no longer selling tobacco). The final completed sample size will be well above the minimum needed, and still allow for some predictable non-completion.

- if applicable, explain the difference between the original sample size and the final sample size; and indicate whether the final sample is representative of the distribution of tobacco outlets in the State.

The original sample will be drawn to account for non-completion as described. DOH staff believe that the sampling plan has been created and used to eliminate possible bias, and that results have been returned and adjusted to correct for bias as a result of differential implementation. DOH staff believes that the results are true and representative of the distribution of tobacco outlets in Washington State.

- Describe how replacement outlets and non-completed inspections were handled. Provide a complete tally of non-completed inspections that include:

Replacement will not be allowed. Oversampling will be used to ensure minimum sample size achievement. Aggressive follow-up will be conducted to reduce avoidable non-completions.

Inspection protocol

Upon receipt of the random check forms from DOH, local contractors recruit youth, and prepare to complete the checks within the specified period of time. During the actual checks, contractors are encouraged to collaborate with LCB or other law enforcement officials, so that citations may be issued to any retailers that sell tobacco to minors. If not accompanied by law enforcement officials, youth should carry a letter of immunity from the local health officer on their person during the check, which identifies that the youth is participating in a health department activity and may not be prosecuted for attempted or actual possession of tobacco.

Youth recruited to help with checks should be 14-17 years old, trustworthy, and willing to ask for tobacco products. Youth are told to enter the store and either pick up (when self-serve) or ask for a specific brand of tobacco (usually, but not always, cigarettes). Youth are told to present valid ID when asked (Driver's License or state ID card), if they have it. Youth are told to leave immediately and return to the waiting adult if the clerk either sells tobacco or refuses to sell. Youth are not to argue or "negotiate" with clerks. Youth fill out the compliance check forms immediately following the purchase or attempt.

- Will there be any changes made in the inspection protocol from the previous year?

The methodology described reflects no changes from last year.

- Indicate the start and end dates of the Synar inspections to be conducted during the reporting period and whether the dates are different from previous years.

Checks will be completed between early February 2002 (forms are mailed from DOH to local health departments in late January) and July 30, 2002. This is not different from previous years. Washington has consistently conducted Synar checks during the first seven months of the calendar year.

- Describe the methods used to recruit, select, and train youth inspectors and adult supervisors.

Methods for recruitment and selection of youth and adult volunteers vary by local community. DOH frequently suggests recruitment strategies, including use of established youth organizations, upon request.

Staff from Public Health—Seattle & King County, who have operated a long-term successful retailer-monitoring program, will be contracted by DOH to provide personal technical assistance to new field staff and accompany these staff on their checks, if requested.

- Description of the inspection methodology used. (e.g., consummated or unconsummated buys, instructions for carrying and showing identification, team composition and whether an adult monitor enters the outlet with the youth inspector, time of day inspections are conducted, compensation for the minors, data collection procedures, etc).

During the check, youth are instructed to carry a valid Washington State identification card or driver's license. The youth may show these if the clerk requests ID.

An adult is always in the immediate vicinity during a check. If the venue is small, such that an adult's entry might compromise the attempt, then the adult remains just outside the view of the clerk, but available to the youth if any safety issue should arise.

Checks are conducted during all times of day or evening. Checks have not typically conducted late at night or overnight, although there is no prohibition to doing so.

Minors are volunteers, and are not compensated for their time or for "getting sales." Minors are often provided with refreshments or meals during a series of checks, and adults may track volunteer hours contributed by the minor for school or community programs that require youth to have volunteer commitments.

After any attempt, the youth returns to the agent or accompanying adult immediately. If a sale has been made, the youth gives the tobacco to the adult right away. During this time, the minor completes the official Washington State Compliance Check form, with assistance from the adult if needed.

- Describe specific legal or procedural requirements the State has instituted to address the issue of minors' immunity when conducting inspections.

Youth operatives must either be accompanied by a LCB agent, or carry a letter of immunity from the local health department's Health Officer as authorized by state law.

- Describe specific legal or procedural requirements the State has instituted to address the issue of child safety.

Youth and local health staff are instructed not to enter any establishment where the youth feels uncomfortable. LCB, health staff, or adult volunteers are in the immediate vicinity during any compliance check operation. The safety of the youth operative always takes priority over protocol or completion of the inspection.

Legislative actions and/or regulatory changes.

State agencies currently expect that there will be two pieces of tobacco-related legislation introduced in the January 2002, regular session of the Washington State Legislature.

The first proposal would extend state regulatory authority to herbal cigarettes since those faux tobacco products are not specifically identified in state law as being subject to regulation. This proposal is given a good chance of passage.

The second proposal is to add smokeless or spit tobacco and cigars and pipe tobacco to the state law. Again, those tobacco products are presently not specifically identified; therefore, there are questions about the state's ability to regulate their sale or distribution. This proposal is not given a good chance for passage.

One major regulatory change in Washington State will be the impact of Initiative 773. This citizens' initiative, sponsored by state tobacco control advocacy organizations, increases the state tax by 60-cents per pack. The bulk of the additional tax revenues will support the state's health plan for the working poor and indigent, and a portion is reserved to support the state's comprehensive tobacco prevention and control program. With implementation of the tax on January 1, 2002, Washington State's tobacco tax will become the highest in the country at \$1.42 per pack.

Law enforcement.

LCB has primary authority to enforce the laws and rules governing licensed tobacco retailers. LCB enforcement officers police retailer compliance with all aspects of the law, and issue citations to violators. They also investigate complaints regarding illegal sales and distribution of tobacco products to minors. Citations carry fines and may require participation in vendor education. Repeat violations may result in loss of license or other similar punitive sanctions.

Activities that support law enforcement such as, merchant education, community education, media use, community mobilization.

DOH is using tobacco settlement funds to design, print, and distribute new, up-to-date merchant education materials. The materials will be available in Spring 2002.

DOH now requires its local health department affiliates to use their existing funds to implement Synar checks themselves or to contract with an organization to perform the checks.

Describe the State's strengths and challenges it faces in complying with the Synar requirements.

A thorough answer to this question is found in DOH's report entitled, "A Tobacco Prevention and Control Plan for Washington State: Building a Sustainable Program for Long-term Success". This report is available at: http://www.doh.wa.gov/Tobacco/con_plan_Sept2000.htm .

Describe any administrative or legal constraints on regulation and enforcement.

Despite the budget downturns, tobacco prevention and control still enjoys a relatively high level of support across the state. The comfortable passage (65%) of Initiative 773 that increased tobacco taxes to pay for subsidized health care plans is evidence of that support.

A summary of Initiative 773 can be found at http://wsl.leg.wa.gov/senate/scs/Initiatives/I_773_redo.pdf .

Describe the level of public support for inspections, enforcement, and public policy efforts

As indicated above, public support for tobacco prevention and control is very high. However, there will be pointed debates in the Legislature and across the state about the best and highest use of all funds available to the state.